

REMARKS

Claims 1-10, all the claims pending in the application, have been rejected on prior art grounds.

Claim Rejections - 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-10 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,953,338 to Ma (hereinafter “Ma”). Applicants submit that the claims are patentable.

For example, claim 1 recites a method which includes, *inter alia*, provisioning a plurality of virtual connections capable of meeting bandwidth and quality of service requirements between a plurality of users coupled to an access network, and an access server of the access network coupled to a content provider operable to deliver a data stream. The method further includes requesting, by a user out of said plurality of users, the data stream from the content provider after said provisioning of the plurality of virtual connections. The method also includes, after the user has requested the data stream, identifying a virtual connection out of the plurality of provisioned virtual connections capable of guaranteeing a quality of service between a user and an access server.

In the Advisory Action, the Examiner asserts that:

“Ma et al. teaches (i) checks with agreement to determine parameter requirement, (ii) checks with quality of service request, (iii) determines if virtual connection has available capacity (bandwidth) (see Ma et al., col. 4, lines 1-8). Ma et al. also disclose (figure 6, col. 11, lines 61-63), a virtual connection path will be provisioned as indicated by its quality of service requirements.”

However, Ma's virtual connections are provisioned as needed in response to a user request for such a connection (see at least col. 7, lines 5-8 and col. 13, lines 18-58). Thus, Ma does not teach or suggest requesting, by a user out of a plurality of users, a data stream from a content provider after provisioning a plurality of virtual connections, as recited by claim 1. Conversely, Ma's user requests a connection before the connection is provisioned.

Because Ma does not teach all of the features of claim 1, Applicants submit that the claim is not anticipated by Ma. Applicants also submit that claims 2-6, being dependent on claim 1, are patentable at least by virtue of their dependency.

Independent claim 7 recites features similar to those discussed above in conjunction with claim 1. Thus, Applicants submit that claim 7 is patentable at least for reasons analogous to those discussed above regarding claim 1. Applicants also submit that claims 8-10, being dependent on claim 7, are patentable at least by virtue of their dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/612,089

Attorney Docket No.: Q76293

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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